Remarks

Claims 1-43 are pending.

Claims 1-43 stand rejected.

Claim 1 is amended.

Claims 8 and 28 are cancelled.

Claim 44 is added.

Claims 1-7, 9-27, 29-44 are submitted herein for review.

No new matter has been added.

A telephonic interview was conducted on August 15, 2011 regarding claims 1 and 44. We thank the Examiner for his time and consideration. This Amendment reflects the claims as discussed during the interview.

In the Office Action, the Examiner has rejected claims 1-4, 8, 11-14, 20-21 and 26 under 35 U.S.C. § 102(b) as being anticipated by Bieker (DE 3530598.) In light of the present Amendment, the present independent claim 1 is directed to a brake pad for a disc brake that can be associated with a caliper with thrust means for clamping the brake pad with friction against a braking band of a brake disc.

Among other features, the eyes are disposed substantially on a tangent line to the lower arcuate edge at the tangent point halfway between the lateral edges such that the tangent line

intersects both pins.

As noted in paragraphs [0004]-[0005], the brake pads and calipers of the prior art are subject to annoying vibration, juddering and noisiness and the pads exhibit non-uniform wear of the friction material and therefore a reduced service life. The present arrangement provides a brake pad that fits onto the caliper in manner that remedies the drawbacks of the prior art.

In the Office Action, the Examiner had rejected now cancelled claim 8 under § 102(b) as being anticipated by Bieker claiming that Bieker discloses the eyes disposed substantially on a tangent line to the lower edge at the tangent point halfway between the lateral edges such that the tangent line intersects both pins. The Examiner references the figure 2 of Bieker in support of his rejection. As discussed in the interview, Applicants note that the Examiner has indicated two tangent lines on his version of figure 2 on page 6 of the Office Action. The Examiner has drawn a third additional line upon which the eyes are disposed, however this line is not a tangent line to the lower arcuate edge *at the tangent point* halfway between the lateral edges such that the tangent line intersects both pins.

As such, Applicant submits that the Bieker reference does not teach or suggest all the elements of amended claim 1. For example, there is no teaching that the eyes are disposed on the tangent line to the lower arcuate edge at the tangent point halfway between the lateral edges.

Applicant has added new claim 44 which is a combination of claims 1 and 28. New claim 44 adds the features that the radius of the eye is less than the radius of the pin so that the mutual bearing between the pin and the eye occurs at two points of contact and that material of the plate of the brake plate is suitable for undergoing plastic deformation within certain limits, such as to adapt the shape of the eye in the region of contact with the pin of the caliper to the shape of the pin.

In the Office Action, the Examiner had rejected claim 28 under § 103(a) as being obvious in view of Bieker and Melinat. The Examiner asserts that Bieker discloses all the structural elements of the claimed invention but fails to disclose the material of the plate is suitable for undergoing plastic deformation such as to adapt the shape of the eye in the region of contact with the pin. However, Melinat discloses the material of the plate is suitable for undergoing plastic deformation such as to adapt the shape of the eye in the region of contact with the pin exactly to the shape of the pin.

Applicant submits that in the present arrangement as claimed, the chamfering radius of the eyes *is less than* the radius of the cylindrical pins so that the mutual bearing between the pin and the eye occurs at two points of contact. See for example paragraph [0053]. The material of the plate of the brake pad is suitable for undergoing plastic deformation within certain limits such as to adapt the shape of the eye in the region of contact with the pin exactly to the shape of the pin. See for example paragraph [0054]. Plastic deformation meaning the deformation of a material undergoing non-reversible changes of shape in response to applied forces.

The cited prior art, Melinat discloses that the openings through the first metal plate…are *sufficiently larger* than the diameter of the shoe mounting pins to prevent contact of these laminations with the shoe mounting pins. (Col. 1, lines 39-44). As discussed during the interview, the reference does not teach a plastic deformation in order to adapt the shape of the eye to exactly the shape of the pin, as the eye is sufficiently larger than the pin in the cited reference.

As such, Applicants submit that the combined prior art, namely Bieker and Melinat do not teach or suggest all of the elements of new claim 44. For example, there is no teaching or suggestion that the radius of the eye is less than the radius of the pin and that the material of the

plate of the brake pad is suitable for undergoing plastic deformation such as to adapt the shape of the eye in the region of contact with the pin to the shape of the pin of the caliper.

In view of the foregoing, Applicants respectfully submit that pending claims 1-7, 9-27, 29-44 are in condition for allowance, the earliest possible notice of which is earnestly solicited.

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Respectfully submitted,

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